

Item-
14.

04-09-2025

sg

Ct. 16

**FMA 177 of 2025
CAN 1 of 2025**

Md. Sharif @ Sarif & Ors.
Versus
Macrotoech India & Ors.

Mr. Kallol Kumar Basu
Mr. Prasanta Bishal
Md. Jannat ul Firdous

...for the appellants

1. Affidavit of service filed in Court is taken on record.
2. In spite of service, the respondent no.3 is not represented.
3. Insofar as the respondent nos. 1 and 2 are concerned, the returned envelopes are filed along with affidavit of service. It appears that the notices were sent to the addresses of the said respondents mentioned in the agreement of which the plaintiffs have filed a suit for specific performance.
4. The plaintiffs shall take appropriate steps before the learned Trial Court for substituted service and also to publish the gist of the order dated 21st August, 2025 and the order passed today in three leading newspapers – one in vernacular, one in English and one in Hindi – within two weeks from date.
5. We request the learned Trial Court to consider the matter after being satisfied with the substituted service and in the event the respondents appear pursuant to such substituted service, to give an opportunity of hearing to such of the respondents, who may have responded to such substituted service.

6. Immediate steps should be taken before the learned Trial Court for substitution service. In case of any delay or laches on behalf of the appellants to comply with this order, it should be open for the learned Trial Court to vacate the interim order.
7. An affidavit with regard to compliance of this order shall be filed before the learned Trial Court on or before 18th February, 2026.
8. Interim order passed shall continue till 18th February, 2026.
9. The respondents shall be entitled to pray for vacation and/or modification of this order in the pending proceeding.
10. This order, however, shall not debar the respondents from making an appropriate application for modification or variation and/or recalling of the ad interim order of injunction upon notice to the plaintiffs in the pending proceeding.
11. In the event if any such application is filed, the learned Trial Court is directed to hear the said application uninfluenced by any observation made in the impugned order or in the order dated 21st August, 2025.
12. In view of the above, the appeal and the application are disposed of with.
13. It will be open for the learned Trial Court to extend the interim order on the returnable dated upon satisfaction that all the observations have been complied with and that the plaintiffs are able to make out a case for extension of the ad interim order.

14. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Soumen Sen, J.)

(Apurba Sinha Ray, J.)